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PTO/SB/50 (08-00)

Approved for use through 12/30/2000, OMB 0651-0033

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AIR

## **REISSUE PATENT APPLICATION TRANSMITTAL**

Address to:  Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	Attorney Docket No.	CCK94028
	First Named Inventor	Douglas CARDY
	Original Patent Number	6,041,109
	Original Patent Issue Date (Month/Day/Year)	March 21, 2000
	Express Mail Label No.	
<b>APPLICATION FOR REISSUE OF:</b> (check applicable box)		
<input checked="" type="checkbox"/> Utility Patent <input type="checkbox"/> Design Patent <input type="checkbox"/> Plant Patent		
<b>APPLICATION ELEMENTS (37 CFR 1.173)</b>		<b>ACCOMPANYING APPLICATION PARTS</b>
1. <input checked="" type="checkbox"/> * Fee Transmittal Form (e.g., PTO/SB/56) <i>(Submit an original, and a duplicate for fee processing)</i>		7. <input checked="" type="checkbox"/> Statement of status/support for all changes to the claims. See 37 CFR 1.173(c).
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		8. <input checked="" type="checkbox"/> Original U.S. Patent for surrender <input checked="" type="checkbox"/> Ribboned Original Patent Grant <input type="checkbox"/> Statement of Loss (PTO/SB/55)
3. <input checked="" type="checkbox"/> Specification and Claims in a double column copy of patent format <i>(amended, if appropriate)</i>		9. <input type="checkbox"/> Foreign Priority Claim (35 U.S.C. 119) <i>(if applicable)</i>
4. <input checked="" type="checkbox"/> Drawing(s) <i>(proposed amendments, if appropriate)</i>		10. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
5. <input checked="" type="checkbox"/> Reissue Oath / Declaration (original or copy) <i>(37 C.F.R. § 1.175)(PTO/SB/51 or 52)</i>		11. <input type="checkbox"/> English Translation of Reissue Oath/Declaration <i>(if applicable)</i>
6. Original U.S. Patent currently assigned?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		12. <input checked="" type="checkbox"/> Preliminary Amendment
<i>(If Yes, check applicable box(es))</i>		13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>
<input checked="" type="checkbox"/> Written Consent of all Assignees (PTO/SB/53)		14. <input type="checkbox"/> Other:
<input checked="" type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney		

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Jes 1857 U.S. PTO

**14. CORRESPONDENCE ADDRESS**

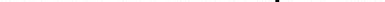
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NAME (Print/Type)	Timothy R. DeWitt	Registration No. (Attorney/Agent)	35,857
Signature		Date	1/24/02

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<b>REISSUE APPLICATION FEE TRANSMITTAL FORM</b>					Docket Number (Optional) CCK94028			
<b>Claims as Filed - Part 1</b>								
Claims in Patent	For	Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 8	Total Claims (37 CFR 1.16(j))	(B) 8	**** 0 =	X\$ =		X\$ =		
(C) 1	Independent Claims (37 CFR 1.16(i))	(D) 1	* 0 =	X\$ =		X\$ =		
Basic Fee (37 CFR 1.16(h))					\$	<u>\$ 740</u>		
Total Filing Fee					\$	OR \$ 740		
<b>Claims as Amended - Part 2</b>								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	*** 46	MINUS	** 20	* =26	X\$ =		X\$18= 468	
Independent Claims (37 CFR 1.16(i))	*** 9	MINUS	***** 1	=8	X\$ =		X\$84= 672	
Total Additional Fee					\$	OR \$1140		

\* If the entry in (D) is less than the entry in (C), Write "0" in column 3.  
 \*\* If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.  
 \*\*\* After any cancellation of claims  
 \*\*\*\* If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).  
 \*\*\*\*\* "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

Applicant claims small entity status. See 27 CFR 1.27.

Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_.  
 A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 01-2510.  
 A duplicate copy of this sheet is enclosed.

A check in the amount of \$ 1880 to cover the filing / additional fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

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January 24, 2002

Date

Signature of Applicant, Attorney or Agent of Record

Timothy R. DeWitt

Typed or printed name

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re reissue application of:

Douglas Ross CARDY, *et al.*

Art Unit: Not yet assigned

Patent No. 6,041,109

Reissue Not yet assigned

Examiner: Not yet assigned

Appln. No.:

Filed: December 19, 2000

Atty. Docket: CCK94028

For: Telecommunications System Having  
Separate Switch Intelligence and  
Switch Fabric

**Petition Pursuant to 37 C.F.R. § 1.47(a)**

Commissioner for Patents  
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicants hereby petition for the Commissioner to accept and proceed with the above-referenced reissue application without declarations from inventors Carol Waller and Ken Rambo, who have effectively refused to join in the present reissue application. Mr. Rambo has refused to join the application because he is now employed by Qwest Communications, which is a competitor of MCIC Communication (MCIC), the assignee of U.S. Patent No. 6,041,109. Ms. Waller likewise is a former employee of MCIC. Ms Waller has effectively refused to join the application because she is too busy to review the materials in detail and discuss the same with counsel for MCIC.

As stated in the accompanying declaration of Timothy R. DeWitt, the undersigned counsel telephoned Mr. Rambo in his office at Qwest Communications in Denver, Colorado. Counsel advised Mr. Rambo that MCIC desired to file a reissue application and discussed with

Mr. Rambo whether he could join in the application given his employment at a competitor. Mr. Rambo confirmed to the undersigned counsel that he was employed at Qwest communications, that he had a conflict of interest, and would not join in the reissue application.

Counsel believes Mr. Rambo's last known address to be as follows:

Ken Rambo  
170 Sunlight Dr.  
Grand Junction, CO 81503

From early October, 2001, into mid-January, 2002, the undersigned counsel and an in-house patent agent for MCIC repeatedly contacted Ms. Waller in an effort to have her join in this application. The accompanying declarations of Timothy DeWitt and Frank McKiel, Jr. outline these contacts. Ms. Waller indicated on several occasions during that time period that she would work with counsel in preparing the reissue but ultimately was unable to do so because of her schedule. Counsel for MCIC did at one point discuss a set of draft reissue claims with Ms. Waller and revised such claims in an effort to accommodate Ms. Waller's comments. Counsel provided a copy of such revised claims to Ms. Waller and repeatedly attempted to elicit Ms. Waller's comments respecting those claims, but again due to Ms. Waller's busy schedule, failed to do so.

Counsel believes Ms. Waller's last known address to be as follows:

302 S. Malone Road  
Allen, Texas 75002.

Given Ms. Waller's failure to provide substantive comments on the revised draft reissue claims, counsel for MCIC provided a copy of those revised draft reissue claims to Douglas Cardy, a co-inventor on the '109 patent. Mr. Cardy approved those claims and executed the declaration filed with this reissue application.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, including fees due under 37 C.F.R. §§ 1.16, 1.17 and 1.21, or credit any overpayment, to our Deposit Account No. 01-2510.

Respectfully submitted,



Timothy R. DeWitt (Reg. No. 35,857)

Date: January 24, 2002

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